IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1334 OF 2005

Baburao Govind Shelar ..Petitioner.
Vs.
Musa Chand Shaikh & Ors. ..Respondents.

...

Mr.Uday Warunjikar for the Petitioner.
Mr. Suresh Sabrad for Respondent Nos.1 to 3.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

31st August, 2005.

P.C. :

The Civil Judge, Senior Division, Karad dismissed the appeal by the impugned order dated 30th December, 2004. Both the Courts have arrived at prima facie findings confined to the disposal of the application for interim relief. Having regard to the circumstance that these findings are essentially confined to the disposal of the application for the grant of interim relief, it would not be appropriate for this Court to entertain a Petition under Article 227 of the Constitution since the trial is still to take place. However, having regard to the circumstances of the case, it would be appropriate to direct that the suit be expedited and an endeavour be made by the Learned Trial Judge to dispose of the

suit within a period of six months from the date on which an authenticated copy of this order is produced before the Court. There shall be a direction in these terms.

In the meantime, in order to obviate any further complications in the matter, the Second and Third Respondents shall not create any further third party interest in respect of the land forming the subject matter of the suit pending the disposal of the suit. The Petition is accordingly disposed of.